

REMARKS/ARGUMENTS

Applicants would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office Action, and claim 1 has been amended to incorporate the limitations of claim 3, which, as a result, has been canceled. Applicants respectfully submit that the application is allowable in view of the following remarks.

Interview Summary

Applicants thank the Examiner for allotting time for a telephone interview conducted on Wednesday, June 11, 2008, in an attempt to advance prosecution of the present application. During the telephone interview, applicants' undersigned representative discussed with the Examiner the vertical space-saving advantages afforded by the relative positioning and orientation of the first and second spray arms recited in claim, as amended herein. These vertical space-saving advantages are considered by applicants to be contrary to the teachings of the art cited in the Office action, as discussed in detail below. No agreement concerning the patentability of the claims was reached during the interview.

Claim Rejections – 35 U.S.C. §103(a)

Claims 1-3 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Document No. JP2000107116 to Kiyoyasu (hereinafter "Kiyoyasu") in view of U.S. Patent No. 4,064,887 to Geiger *et al.* (hereinafter "Geiger") and U.S. Patent No. 6,596,232 to Lin *et al.* (hereinafter "Lin"). For the following reasons, the rejection is respectfully traversed.

The combination of Kiyoyasu, Geiger and Lin fails to disclose every feature of the present invention claimed in amended claim 1. Specifically, the combination of Kiyoyasu, Geiger and Lin fails to teach, suggest or otherwise render obvious a second spray arm having a

plane of rotation that partly extends underneath that of the first spray arm (20), which is the spray arm (20) extending substantially coaxially with the sump hopper (23) in claim 1.

According to claim 1 of the present application, the first spray arm (20) is aligned substantially coaxially with the sump hopper (23), which minimizes the elevation of the first spray arm (20) since the downward sloping panel (22) of claim 1 “directs the wash water into the sump hopper (23).” Also according to claim 1, the second spray arm (21) is “positioned above the sloped panel (22)...” and the “plane of rotation of the second spray arm (21) partly extends underneath that of the first spray arm (20).” Thus, the vertically available space required to so situate the first and second spray arms in the cabinet of the dishwasher according to claim 1 is minimized, thereby allowing suitable load capacity as explained in the present application.

Kiyoyasu, in contrast, is cited as teaching overlapping spray arms. However, according to the teachings of Kiyoyasu the spray arm located above the sloping panel, i.e., the second spray arm, has a plane of rotation that extends **over top** of the first spray arm. Such a configuration is exactly opposite of that recited in claim 1, and defeats the vertical space-saving advantages afforded by the claimed invention. As is apparent from Kiyoyasu, the first spray arm has a greater vertical elevation than would be if the first spray arm was disposed coaxially with the sump hopper, which is adjacent the lowest portion of the sloping panel. This elevation reduces the available vertical capacity in the cabinet. Further, the second spray arm above the sloped panel of Kiyoyasu is elevated to an even greater extent than the first spray arm, as the plane of rotation of the second spray arm partly extends above that of the first spray arm. This consumes an even greater amount of the vertically-available space within the cabinet. Accordingly, applicants respectfully submit that the combination of Kiyoyasu, Geiger and Lin fails to teach, suggest, or otherwise render obvious that a plane of rotation of the second spray arm partly extends underneath that of the first spray arm, as claimed.

Further with regard to claim 1, one of ordinary skill in the art would not have been motivated to combine the teachings of Kiyoyasu, Geiger and Lin to arrive at the claimed invention. The Office action explains that Kiyoyasu fails to teach that the first spray arm extends coaxially with the sump hopper, but that it would have been obvious to combine the teachings of Geiger with the dishwasher of Kiyoyasu to establish coaxial alignment between the first spray arm and sump hopper. However, applicants respectfully submit that one of ordinary skill in the art would not find it obvious to do so because such a combination is physically impossible. The sump hopper in Kiyoyasu is disposed very close to the door. Positioning either of the spray arms of Kiyoyasu coaxially with the sump hopper therein as disclosed by Geiger would cause the spray arm to extend out of the cabinet, thereby preventing rotation of the spray arm with the door closed and rendering the dishwasher of the prior art unsatisfactory for its intended purpose. Accordingly, applicants respectfully submit that the invention claimed in claim 1, as amended, would not be obvious to one of ordinary skill in the art in view of the combined teachings of Kiyoyasu, Geiger and Lin.

For at least the above reasons, the combination of Kiyoyasu, Geiger and Lin does not render claim 1 obvious, and thus, withdrawal of this rejection is respectfully requested. The remaining claims in the present application, namely, claims 2 and 4-6, are allowable for the limitations therein and for the limitations of the claims from which they depend.

In consideration of the foregoing analysis, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

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RESPONSE UNDER 37 C.F.R. §1.116
EXPEDITED PROCEDURE
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If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. AEG-37595.

Respectfully submitted,
PEARNE & GORDON LLP

By: /donald j. firca, jr./
Donald J. Firca, Jr., Reg. No. 48,140

1801 East 9th Street
Suite 1200
Cleveland, Ohio 44114-3108
(216) 579-1700

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